APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/813,714	03/07/97	SIEFERT	D 6002.03

WM02/0731

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EXAMINER
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ART UNIT	PAPER NUMBER
2151	

DATE MAILED:

07/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

		Application No.	Applicant(s)	
		08/813,714		Siefert
		Examiner	Art Unit	
		S. Lao	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _May 17, 2001_

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-14_ is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-14_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)☐ All b) ☐ Some* c) ☐None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____

DETAILED ACTION

1.   Claims 1-14 are pending. This action is in response to the amendment filed 5/17/2001. Applicant has amended claims 1 and 5.

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3.   The non-statutory double patenting rejection, whether of the obviousness-type or non-obviousness-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent. *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969); *In re Vogel,* 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Van Ornum,* 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Longi,* 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); and *In re Goodman,* 29 USPQ2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(b) and © may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4.   Claims 1, 5, 6, and 9 are rejected under the judicially created doctrine of obviousness - type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,699,526 in view of Ryu *et al* (U. S. Pat. 5,408,608) and Oracle (Oracle7 Server Administrator's Guide). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed feature that a PC comprising means for storing profiles of resources into one or more regional servers is met by the

combination of Ryu who teaches storing profiles of resources from a server computer into one or more regional servers and Oracle which teaches resource/database operations, to which storing profiles of resources belongs, are performed either locally from a server computer or remotely from a PC. Note discussion of claim 5 for detail. Other limitations of claims 1, 5, 6, and 9 are met by claim 1 of U.S. Patent No. 5,699,526.

Claims 1, 5, 6, and 9 are rejected under the judicially created doctrine of obviousness - type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,721,906 in view of Ryu *et al* (U. S. Pat. 5,408,608) and Oracle (Oracle7 Server Administrator's Guide). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed feature that a PC comprising means for storing profiles of resources into one or more regional servers is met by the combination of Ryu who teaches storing profiles of resources from a server computer into one or more regional servers and Oracle which teaches resource/database operations, to which storing profiles of resources belongs, can be performed either locally from a server computer or remotely from a PC. Note discussion of claim 5 for detail. Other limitations of claims 1, 5, 6, and 9 are met by claim 1 of U.S. Patent No. 5,721,906.

5.   Claims 1-7, 9-10, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryu *et al* (U. S. Pat. 5,408,608) in view of Oracle (Oracle7 Server Administrator's Guide).

As to claim 5, Ryu teaches resource management system (distributed database system, see abstract), RESOURCEs (real data stored in distributed database), one or more LOCAL SERVERS (data offering terminals) with means for storing RESOURCEs (stores real data, see abstract; detail, fig. 2A), one or more REGIONAL SERVERs (contents control center, control center) with means for storing PROFILEs of RESOURCEs stored (store control information, content list table 57, fig.s 2A, 11A; content, keyword or commands assigned to each real data, see abstract; contents for A, for B, etc), one or more PCS coupled to one or more of the SERVERs (user terminals, data offering terminals A or B, fig. 2A), means for storing PROFILEs of RESOURCEs into one or more of the

REGIONAL SERVERs (data offering terminals A or B transmit their contents to register with the contents control center 4a, col. 7, ln.s 55-64; fig. 2A), means for searching all of the PROFILEs in all the REGIONAL SERVERs (inquiry, sent to control center through network, control center extracts the first and second ranks, see fig.s 9F and 10 and col. 18, lines 23-60) (retrieve terminal unit ID etc of 1A via control center 4A and terminal unit ID etc of terminal 1B via control centers 4A and 4B, col. 21, line 63 - col. 23, line 40, fig. 13A, 13B).

Ryu teaches means for electronically linking the LOCAL and REGIONAL SERVERs to transfer PROFILEs and RESOURCEs therebetween in that in a distributed database system including a plurality of groups, profiles (terminal unit ID etc of the terminal 1B which holds the desired data) as well as the actual desired data (data at 1B) are transmitted between the local servers (1A, 1B) and regional servers (control centers 4A and 4B, intergroup control terminal 7). See col. 21, line 63 - col. 23, line 40, fig. 13A, 13B, in particular, col. 23, lines 26-40.

While Ryu teaches storing profiles of resources from a server computer, Ryu does not teach to perform such operations from a PC distinct from the server computer.

Oracle teaches a resource (database) management (Oracle database administration), wherein a user (database administrator) may perform resource/database operations (server operations / administrations) either locally from a server computer, or remotely from a PC (client computer). The remote server operations are enabled by configuring the Initialization Parameter Files (INIT.ORA) to allow server connection as INTERNAL or OSOPER or OSDBA. See pages 1-4 - 1-5; appendix A-39 - A-40.

Since Ryu requires distributed database management (col.s 21-23) and Oracle provides a mechanism to do so, it would have been obvious to combine the teachings. It would have been obvious to modify Ryu who performs resource/database operations locally from a server computer to include the ability of performing such operations remotely from a PC, so as to provide better system security (Oracle, password in a non-secure network, page 1-4). Storing a profile of resources/database in Ryu is a typical database administration operation, and therefore the teachings of Oracle applies.

As to claim 1, note the discussion of cliam 5, and further Ryu teaches means for accessing a RESOURCE from any one of the LOCAL SERVERs based on the searched PROFILEs (access, fig. 9F, col. 18, lines 48-68) (distributed access, col. 23, lines 26-40).

As to claims 2-3, Ryu teaches means for storing a downloadable RESOURCE into one or more of the LOCAL SERVERs (other terminal unit returns retrieved data to terminal unit, fig. 9F), means for downloading any of the RESOURCEs contained in any of the LOCAL SERVERs into the PC (terminal unit receives real data, fig. 9F, step 6).

As to cliam 4, Ryu teaches means for storing a PROFILE which contains information about a user of a SERVER (control information table 55, col. 18, lines 39-44), means for restricting the user's access to RESOURCEs based on the information contained in the user's PROFILE (match user ID and password, col. 18, lines 48-60; fig. 5).

As to cliam 6, note discussion of claims 5 and 1 and Ryu further teaches each of the REGIONAL SERVERs storing a catalog of PROFILES that describe RESOURCEs (contents for A, contents for B, fig. 2A).

As to claim 7, Rye teaches storing keywords in a PROFILE contained in a REGIONAL SERVER (content control table 55, col. 18, lines 39-44; content list table 57, fig.s 2A, 11A; keyword assigned to each real data, see abstract) and search the PROFILEs (control center extracts, col. 18, lines 48-60; fig. 15H), thus searching by Boolean key-words would have been obvious.

As to cliam 9, it is basically a method claim of cliam 1 and note the equivalence of single site / PC. Ryu as modified further teaches user (Ryu, user) (Oracle, database administrator).

As to claims 10, 12, Ryu teaches RESOURCEs comprise downloadable data (contents A, contents B, detail of A and B, see fig. 2A), allowing a user to download the downloadable data from one of the LOCAL SERVERs to the user's site (display contents A and B on user terminal unit T3, see fig. 2A), data which is not downloadable (contents in buffer 101 are not output, see col. 10, line 63 - col. 11, line 14, fig. 5).

As to claim 13, Ryu teaches all of the PROFILES are stored in a single REGIONAL SERVER (temporary center, see fig. 2A).

As to claim 14, using distributed managers / name SERVERs is a well known alternative to a centralized manager / name server for providing better fault tolerance. Applying this concept to the system of Ryu would have been obvious, which would provide multiple collections of the PROFILEs / distributed managers or name SERVERs. Ryu also teaches multiple collections of the PROFILEs (contents of other terminal units stored in a terminal, see fig.s 4 and 5) and each collection contains substantially all of the PROFILEs since the file for self (fig. 5) would be different for each terminal but contents for others would be substantially the same.

6.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryu *et al* in view of Oracle as applied to claim 6 and in view of Terry *et al*.

As to cliam 8, Terry teaches a database management system (Tapestry system), including ordering a search to be performed at a future time (continuous queries, scan the incoming record), see abstract; section 1.0; fig.s 1 and 3.

Both Ryu and Terry deal with improving database efficiency, it would have been obvious to combine the teaches. Accordingly, it would have been obvious to apply the teaching of Terry to the search of PROFILEs of Ryu.

7.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryu *et al* in view of Oracle as applied to claim 10 and in view of Dworkin.

As to claim 11, Dworkin teaches a database management system (electronic mall), wherein the RESOURCEs include physical objects (hardware products, fig. 4).

It would have been obvious to apply the teaching of Dworkin to the system of Ryu so as to allow user to determine the best price available (col. 1, ln.s 53-60).

8.   Applicant's arguments filed 5/17/2001 have been fully considered but they are not persuasive.

Regarding storing profiles of resources into regional servers from a PC, applicant argued that this is not taught by Oracle because the database operations of Oracle are not

directed to storing of profiles of resources into regional servers. (Page 7, last two paragraphs).

The examiner's position is as follows. It is the combination of Ryu and Oracle, rather than Ryu or Oracle alone, that teaches storing profiles of resources into one or more regional servers from a PC. Note discussion of claim 5 for detail. Briefly, Ryu teaches storing profiles of resources into one or more regional servers from a server computer and Oracle teaches resource/database management operations, to which storing profiles of resources belongs, are performed either locally from a server computer or remotely from a PC. The combination of Ryu and Oracle thus allows storing profiles of resources (which is resource/database management operation) into one or more regional servers from a PC.

To one of ordinary skill in the art, database management operations are the operations which maintain and/or operate the databases. The resource profiles of Ryu includes database control information such as content list, access keywords and commands of data operations. (col. 18). Storing profile information is a necessary step to maintain and operate (such as access) a database. Applicant has not provide underlying analysis as to why the operation of storing profiles of database/resources is not a database/resources management operation. The argument is not persuasive.

Applicant further argued that Ryu does not teach linking the local and regional servers by a network so that both profiles and resources can be transferred therebetween, (page 8, 1st-2nd paragraphs). The examiner disagrees for the reason that the primary reason for establishing a network connection between two nodes is to transfer data therebetween. Therefore transferring profiles as well as data would be obvious in the distributed database system of Ryu.

Applicant argued the interpretations of "profile" and "resource" as claimed. (Page 8, 4th-5th paragraphs). It is noted that there is no specifics regarding profile and resource provided in the claims. See claims 1-14. During examination process, claimed limitations are interpreted in a broad and fair manner in light of applicant's specification, but the specification is not read into the claims. For example, a commonly recognized interpretation of "resource" according to Computer Dictionary by Microsoft Press would

include data items. The resources of Ryu and of Oracle are data items, thus meeting the claimed resource. If applicant's "profile" and "resource" differ from the commonly recognized interpretations, such differences have not been brought out in the claims.

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Sue Lao
July 20, 2001

MAJID BANANKHAH
PRIMARY EXAMINER